

71480 U.S. PTO



01/13/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Westbrook

Serial No.: 07/784,222

Filed: October 28, 1991

For: METHODS AND COMPOSITIONS
FOR THE DETECTION OF
CHROMOSOMAL ABERRATIONS

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Examiner: D. Rees

Group Art Unit: 1807

Atty. Dkt: ARCD-010/PAR

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CERTIFICATE OF MAILING

37 C.F.R. 1.8

I hereby certify that this correspondence is being
deposited with the U.S. Postal Service as First
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20231, on the date below.

January 7, 1997

Date

Shelley P. M. Fussey

DECLARATION UNDER RULE 131

I, CAROL A. WESTBROOK, HEREBY DECLARE AS FOLLOWS:

1. I am the inventor of the subject matter disclosed and claimed in the referenced patent application.

2. I understand that the Patent and Trademark Office Examiner in charge of examining this application has cited against my application the following patent applications:

Gray et al., "Chromosome-specific staining to detect genetic rearrangements," Canadian patent application CA 2021489, published 1/20/1991.

Gray et al., "Methods and compositions for chromosome-specific staining," European patent application EP 0 430 402, published 5/6/1991.

3. My invention was made and tested in the United States prior to December of 1990, and therefore prior to publication of the cited patent applications by Gray et al.

4. The fact that my invention was made and tested in this country prior to December of 1990 is evidenced by studies set forth in the attached abstract and notebook extracts (Exhibits A-D). Among other things, these Exhibits set forth the following studies which exemplify the practice of my invention:

- a) Isolation and use of the c-Hu-ABL probe (Exhibit A and pages 30-33, 36-44 of Exhibit B);
- b) Isolation and use of the PEM12 probe (Exhibit A and pages 1-8, 14-25, 28, 40-54 of Exhibit C);
- c) Use of the c-Hu-ABL and PEM12 probes in in situ hybridization experiments for detection of chromosomal aberrations in tissue samples and blood cells from patients with leukemia (Exhibit A and pages 1-2, 5-8, 21-24 of Exhibit D).

Each of items a) through c) as represented in the attached Exhibits were carried out in this country prior to December, 1990.

5. All statements made in this Declaration of my own knowledge are true and all statements made in this Declaration on information and belief are believed to be true, and these statements are made with the knowledge that willful false statements and the like are punishable by

fine or imprisonment, or both under 18 U.S.C. §1001 and may jeopardize the validity of this application or any patent issuing thereon.

Jan 3 '97
Date

Carol A. Westbrook
Carol A. Westbrook